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## FACT SHEET

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August 2005

### Transfer of Court Facilities

More than 450 court facilities in California are expected to transfer from county to state stewardship under the governance of the Judicial Council between July 2004 and June 2007. The transfers are the final major step in creating a unified, one-tier trial court system as envisioned by the Trial Court Funding Act of 1997 and the Trial Court Facilities Act of 2002. This monumental structural reform will allow increased efficiency in court operations, enhance court safety, and help ensure equal access to justice for all Californians.

#### Legislative Background

##### **Lockyer-Isenberg Trial Court Funding Act (Assem. Bill 233; Stats. 1997, ch. 850)**

Made funding of court operations a state responsibility and provided the courts with their first statewide funding system.

##### **Proposition 220**

Passed by California voters in 1998, it authorized the voluntary unification of each county's superior and municipal courts into a one-tier trial court system.

##### **Trial Court Employment Protection and Governance Act (Sen. Bill 2140; Stats. 2000, ch. 1010)**

Gave the courts the status of independent employers, making trial court staff employees of the courts. Prior to enactment of SB 2140, individuals working in the trial courts were county employees.

##### **Trial Court Facilities Act (Sen. Bill 1732; Stats. 2002, ch. 1082)**

Established the framework for shifting responsibility for California's courthouses from the counties to the state, laying the groundwork for the final step in trial court unification: the transfer of court facilities.

### The State's Role

The state Task Force on Court Facilities—established by AB 233—recommended in 2001 that the state assume full maintenance and operational responsibility for all court facilities. These recommendations resulted in the passage of SB 1732, which provided for the shift of responsibility for court facilities from county to state governance, under the direction of the Judicial Council and its staff agency, the Administrative Office of the Courts (AOC).

As responsibility for each trial court facility transfers to the state, the Judicial Council will assume full policymaking responsibility for the facility, with ongoing input from county and community representatives on some issues. Court staff at transferred facilities will remain employees of the trial courts.

### Office of Court Construction and Management

To meet its new responsibility, in 2003 the AOC established the Office of Court Construction and Management (OCCM) to lead the implementation of the Trial Court Facilities Act. OCCM executes facility transfers in partnership with county administrators, collaborates with county and court officials to establish long-term facilities master plans for the trial courts, plans capital outlay and funding to support the design and construction of new and renovated courthouses, and administers facilities and real estate for the trial courts and Courts of Appeal.

### Transfer Benefits

The transfers have important benefits for California's public, counties, and courts.

#### **Greater Efficiency and Accountability**

The transfers and the subsequent unified, statewide administration of court buildings will allow the Judicial Council to leverage shared resources and knowledge across all 58 California counties, resulting in large-scale purchasing power and enhanced service delivery.

#### **Reduced Burden on Counties**

The transfers will reduce the burden on county governments. As responsibility for court facilities is transferred from the counties to the Judicial Council, the counties will be relieved of their responsibility for providing or maintaining court facilities.

#### **Promotion of Innovative Programs**

The savings generated by trial court unification, state funding of trial court operations, and state responsibility for court facilities will help provide the courts

with the resources needed to develop and implement innovative programs that enhance Californians' access to justice.

**Increased Safety, Security, and Access at California Courthouses**

The transfers will enable the AOC to address and resolve security-related and other functional deficiencies identified by the state Task Force on Court Facilities by ensuring that:

- Fire and life safety systems are installed in all court facilities consistent with current codes;
- All court users have access to court facilities;
- Hazardous materials such as asbestos are properly removed;
- All facilities have safe and adequate electrical and lighting systems;
- Needed seismic retrofit projects are completed;
- All facilities have functioning heating, ventilation, and cooling systems; and
- Secure, separate circulation is established for court staff, public, and in-custody populations.

**Current Conditions in the Courts**

While California has a number of well designed and maintained courts, a significant number of court buildings require maintenance, repair, or renovation, according to the state Task Force on Court Facilities. The task force's Final Report presented the following findings on California's courts:

- Seventy-eight percent require renovations to ensure that all court users, including people with disabilities, have proper access.
- Sixty-eight percent require improvements to their fire and life safety systems (including sprinklers, proper exits, and emergency lighting).
- Forty-one percent have no way to bring in-custody defendants to courtrooms without using public hallways where the defendants pass witnesses, potential jurors, victims, and other court users; and
- Twenty-five percent of courtrooms have no space for a jury box.

### Funding for Improvements

Substantial long-term funding is needed to renovate and replace existing court facilities. Revenue received through court filing fees alone is insufficient to finance these projects. Once existing facilities are improved, it is anticipated that court construction programs will be self-funded by filing fees dedicated to that purpose. A general obligation bond, sponsored by the Judicial Council, was proposed in the Legislature earlier this year. If approved by the Legislature and the Governor, it will be placed on the ballot in an upcoming election for approval by California voters.

### Symbols of Democracy

The system of justice in the United States is a living symbol of the success of democratic ideals, and the buildings that allow the public to fully engage this system play a central role in the judicial branch. Well-designed and -maintained courthouses help create a safe and secure environment for witnesses, victims, litigants, jurors, court staff, and judges; minimize the impact of family disputes on children; keep official records safe and protect confidentiality. In the words of Chief Justice Ronald M. George, “Our judicial system does not need, want or expect palaces. But it does deserve facilities that are secure, well maintained, and adequate to serve the public’s needs.”

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